

UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/817,455	04/01/2004	Cristina E. Davis	DPL-048

CONFIRMATION NO. 1601

## FORMALITIES LETTER



\*OC000000013036971\*

021323  
TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

Date Mailed: 06/23/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/23/2004 SZEWDIE1 00000070 10817455

01 FC:2001	395.00 OP
02 FC:2051	65.00 OP
03 FC:2201	100.00 OP
04 FC:2202	250.00 OP

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).
- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:

- The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 17, 18b.
- Numbers, letters, and reference characters on the drawings must measure at least 0.32 cm (1/8 inch) in height. See Figure(s) 17.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$133** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$583** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$133**
  - **\$43** for 1 independent claims over 3.
  - **\$90** for 10 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

  
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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

# **FEE TRANSMITTAL** **FY 2005**

Complete if Known

Application Serial Number	10/817,455
Filing Date	April 1, 2004
First Named Inventor	Davis
Group Art Unit	3736
Examiner Name	Not yet assigned
Attorney Docket No.	DPL-048

**METHOD OF PAYMENT**

1. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.
3. ☒ Applicant claims small entity status.

**FEE CALCULATION****1. FILING/SEARCH/EXAM/SIZE FEES****Large Entity**

Fee (\$)	Fee Description	Fee Paid
790	Utility filing fee (application filed before December 8, 2004)	790.00
300	Utility filing fee	
500	Utility search fee	
200	Utility exam fee	
250	Utility size fee (each add'l 50 pgs. over 100)	
200	Design filing fee	
100	Design search fee	
130	Design exam fee	
250	Design size fee (each add'l 50 pgs. over 100)	

	Number Filed	Number Extra	Rate	Amount
Total Claims	30	- 20 = 10	x \$ 50.00 =	500.00
Independent Claims	4	- 3 = 1	x \$ 200.00 =	200.00

☐ Multiple Dependent Claim(s), if any \$360.00 =  
TOTAL: 1490.00

SMALL ENTITY DISCOUNT: 745.00

SUBTOTAL (1) (\$) 745.00

**2. AMENDMENT CLAIM FEES**

Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total	-	=	x \$ 50.00 =	
Indep.	-	=	x \$ 200.00 =	
<input type="checkbox"/> First Presentation of Multiple Dep. Claim			+ \$ 360.00 =	
TOTAL:				(\$)
SMALL ENTITY DISCOUNT:				(\$)
SUBTOTAL (2)				(\$)

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee (\$)	Small Entity Fee (\$)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	65.00
50	25	Surcharge - late provisional filing fee or cover sheet	
130	130	Non-English specification	
2,520	2,520	Request for ex parte reexamination	
120	60	Extension for reply within first month	
450	225	Extension for reply within second month	
1020	510	Extension for reply within third month	
1590	795	Extension for reply within fourth month	795.00
2160	1080	Extension for reply within fifth month	
500	250	Notice of Appeal	
500	250	Filing a brief in support of an appeal	
1000	500	Request for oral hearing	
400	400	Petitions to the Commissioner (Gp. I)	
200	200	Petitions to the Commissioner (Gp. II)	
130	130	Petitions to the Commissioner (Gp. III)	
180	180	Submission of Information Disclosure Statement	
790	395	Filing a submission after final rejection (37 CFR 1.129(a))	
790	395	For each additional invention to be examined (37 CFR 1.129(b))	
100	100	Certificate of Correction for applicant's error	
130	65	Submission of Terminal Disclaimer	
Other fee (Specify)			
Other fee (Specify)			

SUBTOTAL (3) (\$) 860.00

SUBTOTAL (1) 745.00

SUBTOTAL (2) 0.00

SUBTOTAL (3) 860.00


TOTAL (\$) 1,605.00

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:  
Patent Administrator  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110  
Tel. No.: (617) 248-7000  
Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Respectfully submitted,  
Date: December 21, 2004  
Reg. No.: 41,513  
Customer No. 021323  
Tel. No.: (617) 248-7589  
Fax No.: (617) 248-7100  
Jason A. Reyes  
Attorney for the Applicants  
Testa, Hurwitz & Thibault, LLP  
High Street Tower-125 High Street  
Boston, MA 02110

	Application Serial Number	10/817,455
	Filing Date	April 1, 2004
	First Named Inventor	Davis
	Group Art Unit	3736
	Examiner Name	Not yet assigned
	Attorney Docket No.	DPL-048
	Patent No.	Not yet issued
	Issue Date	Not yet issued

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form  <input checked="" type="checkbox"/> Check Attached (\$1,605.00) <input type="checkbox"/> Copy of Fee Transmittal Form  <input checked="" type="checkbox"/> Amendment <input checked="" type="checkbox"/> Preliminary (3 pgs) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets ____]  <input checked="" type="checkbox"/> Petition for a Four-Month Extension of Time (1 pg)  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form PTO-1449 <input type="checkbox"/> Copies of IDS Citations  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Sequence Listing submission <input type="checkbox"/> Paper Copy/CD <input type="checkbox"/> Computer Readable Copy <input type="checkbox"/> Statement verifying identity of above	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs)  <input checked="" type="checkbox"/> Formal Drawing(s) (39 sheets)  <input type="checkbox"/> Request For Continued Examination (RCE) Transmittal  <input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)  <input type="checkbox"/> Terminal Disclaimer  <input checked="" type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application (5 pgs)  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> CD(s) for large table or computer program  <input type="checkbox"/> Amendment After Allowance  <input type="checkbox"/> Request for Certificate of Correction <input type="checkbox"/> Certificate of Correction (in duplicate)	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences  <input type="checkbox"/> Appeal Brief (in triplicate)  <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8 <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below)  <input checked="" type="checkbox"/> Response to Notice to File Missing Parts (1 pg) <input checked="" type="checkbox"/> Communication Pursuant to 37 C.F.R. §1.125 Regarding Substitute Specification Pages (1 pg) <input checked="" type="checkbox"/> Replacement Specification (81 pgs)
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## CORRESPONDENCE ADDRESS

Direct all correspondence to: Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

## SIGNATURE BLOCK

Respectfully submitted,  
  
 Date: December 21, 2004  
 Reg. No. 41,513  
 Customer No. 021323  
 Tel. No.: (617) 248-7589  
 Fax No.: (617) 248-7100

Jason A. Reyes  
 Attorney for the Applicants  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower  
 125 High Street  
 Boston, MA 02110



PATENT  
Attorney Docket No. DPL-048  
(6209/58)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Davis *et al.* CONFIRMATION NO.: 1601  
SERIAL NO.: 10/817,455 GROUP NO.: 3736  
FILING DATE: April 1, 2004 EXAMINER: Not yet assigned  
TITLE: NON-INVASIVE BREATH ANALYSIS USING FIELD  
ASYMMETRIC ION MOBILITY SPECTROMETRY

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts mailed June 23, 2004, enclosed is the following:

A check in the amount of \$1605.00 for the payment of the fees as follows:

Basic Filing Fee	\$395.00 (Small Entity)
Additional Claim Fees	\$350.00 (Small Entity, 10 total claims over 20, 1 independent claim over 3)
Surcharge – late filing fee or oath	\$65.00 (Small Entity)
Fee for a Four-Month Extension of Time	\$795.00 (Small Entity)
<b>TOTAL</b>	<b>\$1,605.00</b>

Petition for a Four-Month Extension of Time

Executed Declaration and Power of Attorney for Utility or Design Patent Application

Communication Pursuant to 37 C.F.R. §1.125 Regarding Substitute Specification Pages

Replacement Specification (pages 1-81)

Formal Drawings (39 sheets)

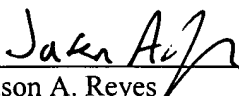
Preliminary Amendment

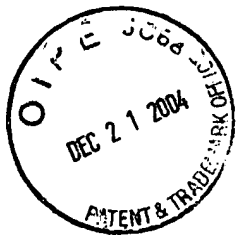
Respectfully submitted,

Date: December 21, 2004  
Reg. No. 41,513  
Customer No. 021323

Tel. No. (617) 248-7589  
Fax: (617) 248-7100

3134429

  
\_\_\_\_\_  
Jason A. Reyes  
Attorney for the Applicants  
Testa, Hurwitz & Thibeault, LLP  
High Street Tower  
125 High Street  
Boston, Massachusetts 02110



Express Mail Mailing Label No. EV 533403598 US

PATENT  
Attorney Docket No. DPL-048  
(6209/58)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Davis *et al.* CONFIRMATION NO.: 1601  
SERIAL NO.: 10/817,455 GROUP NO.: 3736  
FILING DATE: April 1, 2004 EXAMINER: Not yet assigned  
TITLE: NON-INVASIVE BREATH ANALYSIS USING FIELD  
ASYMMETRIC ION MOBILITY SPECTROMETRY

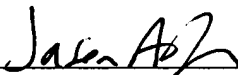
**COMMUNICATION PURSUANT TO 37 C.F.R. § 1.125 REGARDING  
SUBSTITUTE SPECIFICATION PAGES**

Pursuant to 37 C.F.R. § 1.125, Applicants submit herewith a replacement of the specification for the above-referenced patent application as requested by the Notice to File Missing Parts of Non-Provisional Application mailed June 23, 2004. The enclosed replacement specification (pages 1-81) contains no new matter. The replacement specification is identical to the specification as originally filed except that the line spacing of the claims has been changed to meet the requirements of 37 C.F.R. § 1.52(b). As such, a marked-up version of the replacement specification has not been included with the clean version.

Respectfully submitted,

Date: December 21, 2004  
Reg. No. 41,513  
Customer No. 021323

Tel. No. (617) 248-7589  
Fax: (617) 248-7100

  
\_\_\_\_\_  
Jason A. Reyes  
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